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June 29, 2007
Date


Thomas E. Loop

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/775,057

Confirmation No.: 4610

Filed: February 9, 2004

Title: CONCRETE PANEL SYSTEM

Examiner: Katcheves, Basil S.

Art Unit: 3635

Docket No.: 750010.801

Cust. No.: 31740

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with Applicant's ongoing duty of disclosure as set forth in 37 CFR § 1.56, Applicants wishes to make known to the U.S. Patent and Trademark Office that it in connection with it present patent infringement lawsuit against Castia Stone, Inc. (refer to Applicant's Supplemental Information Disclosure Statement filed on October 26, 2006) certain additional information has now been identified that may be material to the patentability of the presently claimed invention. More specifically, Castia Stone, Inc. has by way of its defense alleged that U.S. Patent No. RE39,091 (the parent of the above-identified continuation application) is invalid in view of (1) an engineering report dated December 16, 1989 entitled "Report on Evaluation of the Stonetile System," and/or (2) Canadian Patent Application No. CA 2,075,446. Both of these

références, among several others, are cited on the accompanying USPTO Form 1449 in accordance with 37 CFR §§ 1.97 and 1.98.

With respect to the engineering report, Applicant asserts that this document does not qualify as a “printed publication” under 35 U.S.C. §§ 102(a) or (b) and, therefore, does not constitute a prior art reference. More specifically, this document was never publicly distributed nor was it ever otherwise “available and accessible to persons concerned with the art to which the document relates.” *See, e.g., In re Wyer*, 210 USPQ 790, 795 (CCPA 1981). Although the engineering report has no relevance as a prior art reference, Applicant nevertheless wishes to disclose this document to the U.S. Patent and Trademark Office to counter Castia Stone’s wanton cry of “inequitable conduct.”

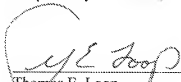
With respect to Canadian Patent Application No. CA 2,075,446, Applicant notes that this prior art reference was fully considered by the U.S. Patent and Trademark Office during prosecution of the parent application of the ‘091 patent; namely, U.S. Patent Application No. 08/603,243, filed on February 20, 1996 (abandoned in favor of U.S. Patent Application No. 09/519,331, which matured into U.S. Patent No. 6,253,515, which patent was surrendered in favor of the ‘091 patent). Applicant further notes that in accordance with modern patent prosecution practice, “it is not necessary for the applicant to submit an information disclosure statement in the continuing application that lists the prior art cited by the examiner in the parent application.” MPEP § 609.02 (*emphasis in original*). Applicant, however, wishes to disclose this document to ensure full compliance with its ongoing duties of candor and good faith dealing owed to the U.S. Patent and Trademark Office.

Finally, and with respect to the several other references cited on the accompanying USPTO Form 1449, Applicant provides these references in order to ensure that, in due course, it obtains a reissued U.S. patent that has the strongest possible presumption of validity. Although the aforesaid references are made known to the U.S. Patent and Trademark Office in compliance with Applicant’s duty to disclose all known information which is believed relevant to the examination of the above-identified application, Applicant firmly believes that the present

invention is patentable. Accordingly, Applicant respectfully requests that a Notice of Allowance be granted without any further delay.

Please kindly make the cited references of record in the above-identified application and charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account No. 503382.

Respectfully submitted,



Thomas E. Loop
Registration No. 42,810

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

Application Number	10/775,057
Filing Date	February 9, 2004
First Named Inventor	Kuelker, Peter
Art Unit	3635
Examiner Name	Katcheves, Basil S.
Attorney Docket Number	750010.801

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	US-	3,098,956	09-21-1971	Jones	
	US-	3,608,011	09-30-1975	Gates	
	US-	3,959,422	05-25-1976	Wilhelm	
	US-	4,047,357	09-13-1977	Mulholland, et al.	
	US-	4,232,494	11-11-1980	Bauch, et al.	
	US-	4,494,349	01-22-1985	Clements	
	US-	4,553,366	11-19-1985	Guerin	
	US-	4,725,220	02-16-1988	Percinel et al.	
	US-	4,978,466	12-18-1990	Wallace	
	US-	5,248,466	09-28-1993	Russell III	
	US-	5,277,464	01-11-1994	Allison et al.	
	US-	5,375,385	12-27-1994	Fedar	
	US-	5,398,473	03-21-1995	Chann	
	US-				
	US-				
	US-				
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	US-				

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ² Number* Kind Code ³ (if known)			
		CA-2,075,446-A1	02-06-1994	Kuelker, Peter	

Examiner Signature	Date Considered
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*EXAMINER. Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, organizing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

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Application Number	10/775,057
Filing Date	February 9, 2004
First Named Inventor	Kuelker, Peter
Art Unit	3635
Examiner Name	Katcheves
Attorney Docket Number	750010.801

Sheet	1	of	1
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NON PATENT LITERATURE DOCUMENTS

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Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique nation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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